

# **EXHIBIT A**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

- - - - -x

4 CIERA WASHINGTON,

Plaintiff,

5 -against-

WALGREENS; WALGREENS CO.; DUANE READE;

6 DUANE READE INC.; DUANE READE

INTERNATIONAL, LLC; and Individually and

7 Jointly; LUIS GUERRERO; GERMAINE ALLEN;

VIVIAN GHOBRIAL; and CRYSTAL BECKRUM,

8 Defendants.

Civil Case No. 17-CV-02393

9 - - - - -x

10 1250 Broadway

New York, New York

11 February 20, 2018

12 10:01 a.m.

13  
14 CONTINUED DEPOSITION of  
15 VIVIAN GHOBRIAL, one of the Defendants in  
16 the above-entitled action, held at the  
17 above time and place, taken before Brian  
18 Brenner, a Shorthand Reporter and Notary  
19 Public of the State of New York, pursuant  
20 to the Federal Rules of Civil Procedure,  
21 Court Order and stipulations between  
22 Counsel.  
23  
24  
25

<p style="text-align: right;">Page 299</p> <p>1 V. GHOBRIAL</p> <p>2 Q You testified in your</p> <p>3 deposition, the first session, that you</p> <p>4 relied on the investigative file and video</p> <p>5 to fire Plaintiff, correct?</p> <p>6 A Correct.</p> <p>7 Q And to suspend Plaintiff,</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q I'm trying to narrow it down.</p> <p>11 Were there any discussions -- when I say</p> <p>12 discussions it's broad. Understand that I</p> <p>13 mean communications and that it's</p> <p>14 interpreted broadly. I mean Snapchat,</p> <p>15 Facebook, whatever, e-mails, phone calls,</p> <p>16 whatever. When were discussions,</p> <p>17 communications, regarding discussing</p> <p>18 Plaintiff, the first ones?</p> <p>19 A I don't remember.</p> <p>20 Q Before February 22, 2016?</p> <p>21 A Same answer. I don't really</p> <p>22 remember.</p> <p>23 Q Let me show you an e-mail then.</p> <p>24 I'm handing you Plaintiff's Exhibit 6</p> <p>25 (handing).</p>	<p style="text-align: right;">Page 301</p> <p>1 V. GHOBRIAL</p> <p>2 see your e-mail talking about HR has</p> <p>3 reviewed Ciera's paperwork. When you say</p> <p>4 HR, you mean yourself?</p> <p>5 A And my manager.</p> <p>6 Q Who?</p> <p>7 A Paul Loggoso.</p> <p>8 Q Reviewed Ciera's paperwork and</p> <p>9 video regarding her suspension and</p> <p>10 supports the decision to terminate, right?</p> <p>11 A Yes.</p> <p>12 Q Now, it says reviewed --</p> <p>13 MS. MORRISON: Strike that.</p> <p>14 Q Do these communications</p> <p>15 occurring in early February up through,</p> <p>16 to, and including February 18, and what</p> <p>17 you said, February 23, refresh your</p> <p>18 recollection as to whether conversations</p> <p>19 regarding suspending and firing Plaintiff,</p> <p>20 whether they occurred before February 22?</p> <p>21 A Yes.</p> <p>22 Q And they did, right?</p> <p>23 A Yes.</p> <p>24 Q Meaning they did occur before</p> <p>25 February 22, 2016?</p>
<p style="text-align: right;">Page 300</p> <p>1 V. GHOBRIAL</p> <p>2 In Plaintiff's Exhibit 6, turn</p> <p>3 to the document Bates stamped DR169 and</p> <p>4 DR170. Do you see those, those two</p> <p>5 documents?</p> <p>6 [Witness peruses the documents.]</p> <p>7 A Yes.</p> <p>8 Q Do you see those are e-mails</p> <p>9 between you and other people, right?</p> <p>10 Correct?</p> <p>11 A Yes.</p> <p>12 Q And the dates of those e-mails,</p> <p>13 DR170, for instance, is dated Wednesday,</p> <p>14 February 3, 2016. Do you see that? Do you</p> <p>15 see that?</p> <p>16 A Yes.</p> <p>17 Q And these conversations between</p> <p>18 you and Robert Petrarchi regarding when</p> <p>19 Plaintiff will return to work, can she be</p> <p>20 terminated for job abandonment? Do you</p> <p>21 see that?</p> <p>22 A Yes.</p> <p>23 Q And you see the next page,</p> <p>24 DR169, dated February 18, still regarding</p> <p>25 when Plaintiff's coming back, and then we</p>	<p style="text-align: right;">Page 302</p> <p>1 V. GHOBRIAL</p> <p>2 A Yes.</p> <p>3 Q The top e-mail says HR has</p> <p>4 reviewed Ciera's paperwork and video</p> <p>5 recording her suspension. Do you see</p> <p>6 that?</p> <p>7 A Yes.</p> <p>8 Q And you wrote that, right?</p> <p>9 A Yes.</p> <p>10 Q So Plaintiff was already</p> <p>11 suspended by the time this e-mail was</p> <p>12 written, right?</p> <p>13 A She was suspended on the 22nd.</p> <p>14 Yes.</p> <p>15 Q So she was suspended before this</p> <p>16 e-mail that you said was dated February</p> <p>17 23, correct?</p> <p>18 A Correct.</p> <p>19 Q And supports the decision to</p> <p>20 terminate, right?</p> <p>21 A Yes.</p> <p>22 Q So the decision to terminate</p> <p>23 also occurred before your e-mail about you</p> <p>24 saying -- one that you say is February 23,</p> <p>25 2016?</p>

<p style="text-align: right;">Page 303</p> <p>1 V. GHOBRIAL</p> <p>2 MR. WARSHAW: Objection to</p> <p>3 form.</p> <p>4 A No.</p> <p>5 Q Not correct?</p> <p>6 A No. The decision was on the</p> <p>7 23rd.</p> <p>8 Q When you wrote down -- when you</p> <p>9 forwarded the documents on DR169, it says</p> <p>10 HR has reviewed Ciera's paperwork and</p> <p>11 supports the decision to terminate, you're</p> <p>12 saying her suspension occurred on the</p> <p>13 22nd?</p> <p>14 A Right after her interview.</p> <p>15 Q You told her she was suspended</p> <p>16 on February 22?</p> <p>17 A No.</p> <p>18 Q When did you tell her that she</p> <p>19 was suspended?</p> <p>20 A Her manager suspended her after</p> <p>21 the interview. I didn't say it. Her</p> <p>22 manager suspended her.</p> <p>23 Q What manager?</p> <p>24 A Luis Guerrero.</p> <p>25 Q So Luis Guerrero is the one who</p>	<p style="text-align: right;">Page 305</p> <p>1 V. GHOBRIAL</p> <p>2 Q What people involved?</p> <p>3 A Luis, Troy, Robert Petrarchi.</p> <p>4 Q Anyone else?</p> <p>5 A I believe that's it.</p> <p>6 Q And you spoke with Troy</p> <p>7 specifically about suspending the</p> <p>8 Plaintiff, about the decision to suspend</p> <p>9 the Plaintiff?</p> <p>10 A No.</p> <p>11 Q So when you just said the people</p> <p>12 who were involved, you didn't mean to say</p> <p>13 that you spoke with Troy specifically</p> <p>14 about suspending Plaintiff?</p> <p>15 A I had him read me the statement</p> <p>16 and send me some paperwork.</p> <p>17 Q What statement?</p> <p>18 A Her statement. Ms. Washington's</p> <p>19 statement.</p> <p>20 Q You had Troy read you</p> <p>21 Plaintiff's statement?</p> <p>22 A Yes, and send it to me.</p> <p>23 Q How did he send it to you?</p> <p>24 A I am not sure. I believe</p> <p>25 through e-mail -- oh, no. I am not sure.</p>
<p style="text-align: right;">Page 304</p> <p>1 V. GHOBRIAL</p> <p>2 said she was suspended?</p> <p>3 A Yes.</p> <p>4 Q And that happened on February</p> <p>5 23?</p> <p>6 A After her interview, yes.</p> <p>7 Q After her interview with Troy</p> <p>8 Hennessy?</p> <p>9 A Loss prevention, yes.</p> <p>10 Q About how long after her</p> <p>11 interview with Troy Hennessy did Luis</p> <p>12 Guerrero tell Plaintiff that she was</p> <p>13 suspended?</p> <p>14 A I'm not sure.</p> <p>15 Q Three hours?</p> <p>16 A Not sure.</p> <p>17 Q Five minutes?</p> <p>18 A Not sure.</p> <p>19 Q When did you decide to suspend</p> <p>20 Plaintiff?</p> <p>21 A After the interview.</p> <p>22 Q How long after the interview did</p> <p>23 you decide to suspend Plaintiff?</p> <p>24 A After I had conversations with</p> <p>25 people involved.</p>	<p style="text-align: right;">Page 306</p> <p>1 V. GHOBRIAL</p> <p>2 I think he read it to me and then came to</p> <p>3 my office and handed it to me. I am not</p> <p>4 sure.</p> <p>5 Q Understood, but how did he read</p> <p>6 it to you, over the phone?</p> <p>7 A Yes.</p> <p>8 Q Why did he read it to you if he</p> <p>9 apparently was already in the office and</p> <p>10 could have handed it to you?</p> <p>11 MR. WARSHAW: Objection to</p> <p>12 form.</p> <p>13 A He was in the store, not in my</p> <p>14 office.</p> <p>15 Q But he -- was your office in the</p> <p>16 store?</p> <p>17 A No.</p> <p>18 Q Where was your office?</p> <p>19 A 40 Wall Street in New York.</p> <p>20 Q So Troy on February 22 went from</p> <p>21 Ciera Washington's store all the way down</p> <p>22 to Wall Street to your office to hand you</p> <p>23 her voluntary statement?</p> <p>24 A Everything. To hand me</p> <p>25 everything including the video again. To</p>